

1909-063
Lee Co.

Chancery Causes: James Ward vs. Mary Ward

Brock

CA-Divorce
T-Migration

James Warf, Plaintiff,

vs.

Mary Warf, Defendant.

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia.

Your complainant, James Warf, respectfully represents:

That on the _____ day of _____, 18____, (about seventeen years ago), your complainant was lawfully married at Rose Hill, Lee County, Va., to Mary Warf; and

That continuously from the date of said marriage for a period of several months, to-wit, 12 months, your complainant and the said Mary Warf lived together as man and wife at Rose Hill, Lee County, Va.; and

That the said Mary Warf has wilfully deserted and abandoned your complainant for a period of more than three years; that on the _____ day of _____, 18____, the said Mary Warf did, wilfully, voluntarily, and without any justification whatever, leave the home your complainant had provided for her while your complainant was absent from home at ~~his~~ work to provide a support for the said defendant and went to the home of her parents; that you complainant, when he returned to his home and found the said Mary Warf gone, and after he had ascertained where she had gone, sent a mutual ~~friend~~ friend of his and the said defendant's to the home of the said defendant's parents to endeavour to persuade the said defendant to return and live with the ~~xxxxxxx~~ your complainant as his wife; that said defendant, so far from listening to the entreaties of the said mutual friend, did violently abuse and curse ~~xxxx~~ your complainant and declare that she would never return and live with him as his wife; that shortly after said defendant had left your complainant as ~~xxxxxxx~~ aforesaid ~~xxxxxxxxxxxx~~ said defendant moved with her parents to Grays, Kentucky; that the next time your complainant hear of said defendant was about 10 years ago, when your complainant ~~xxxxx~~ heard that said defendant was living at North Jellico, Tenn; and that your complainant has never heard from her since that time, nor does he know where she is or whether she is alive or dead; and,

2.

That you rcomplainant has resided and has been domiciled in this state ever since the aforesaid marriage, and for a period of more than one year next proceeding the commencement of this suit, and is now domiciled and now resides in Lee Co., in this state; and,

That your complainant last cohabited with the said Mary Warf at Rose Hill, Lee Count, Va:

In consideration whereof, and forasmuch as your complainant is remediless in the premises save in a court of equity, your complainant prays that the said Mary Warf may be made a party defendant to this bill, and required to answer the same, but not under oath, the oath being hereby waived; that proper process may be issued; that a divorce from the bond of matrimony whcih was created by the aforesaid marriage be decreed him; and that your complainant may have all such further, and ~~xx~~ other, and general relief in the premises as the nature of his case may require, or to equity shall seem meet.

James Warf,

R. E. L. Chumbley & C. C. Bales, p. q.

by counsel.

James Way,
vs. Bill
Mau Way.

1909 2nd Apr. Rules
Bill filed & cont'd
for O.P.

" 1st May Rules
O.P. completed &
cause set for
hearing.

Costs:

Clerk \$4.55
Pay 1.50
Atty 15.00
Printer
Comm.

James Warf, Plaintiff,

vs. .) Decree.

Mary Warf, Defendant.

This day came this cause to be heard upon the complainant's ~~xxx~~ bill, and the other pleadings filed therein; the depositions taken before W. K. Hopkins, a Commissioner in Chancery for the Circuit Court of Lee County, ^{filed herein} Va.: and was argued by counsel.

On consideration whereof, and it appearing to the court independently of the admissions of either party in the pleadings or otherwise, that the said parties were lawfully married; that ~~after~~ ~~xxxx~~ ~~xxxxxxxxxxxxxxxxxxxx~~ the said marriage and more than three years prior to the institution of this suit the said Mary Warf did, wilfully, and without any just cause therefor, abandon and ^ldesert the said ~~xxxxxx~~ James Warf, and ~~dad~~, although requested so to do by him, refuse to return to him and live with him as his wife; that the said ~~xxxx~~ James Warf and Mary Warf have not cohabited nor lived together since said desertion as man and wife; that the said James Warf and Mary Warf last co-habited together as man and wife in Lee County, Va.; that the said James Warf has resided and been domiciled in this state ever since the aforesaid marriage, and for more than one year next prece~~d~~ding the commencement of this suit: the court doth adjudge, order and decree that the said James Warf and Mary Warf be divorced from the bond of matrimony which was created by the aforesaid marriage, and that the said marriage be, and the same hereby is, dissolved and annulled.

And it is ordered that the said James Warf shall pay the costs attached to the bringing of this; and, nothing further remaining to be done in this suit, it is further~~y~~ ordered that, upon the payment of the ~~costs~~ attached to said suit by the said James Warf, the same be removed from the docket.

James Arroy

151 -

Mary Arroy -

Enl -

Hawthorne

5-4-1909

Entered in C.O.B.
S. page 475 &c

The depositions of James Warf, ~~xxxxxx~~ and Sarah ^{Brook} ~~Long~~ taken before me, W.K. Hopkins, a Commissioner in Chancery for the Circuit Court of Lee County, Virginia, on the 23, day of April, 1909, at the office of Charles C. Bales, in Pennington Gap, Virginia, to be read as evidence in behalf of plaintiff in a certain suit now pending in the Circuit Court of Lee County, Virginia, in which James Warf is Plaintiff and Mary Warf is defendant.

Present for Plaintiff Charles C. Bales and R.E.L. Chunbley:
No one for defendant.

James Warf, a witness of lawful age who first being duly sworn deposes as follows:

Q. - Give your name, residence, age and occupation?

A. - James Warf. Rose Hill, Va. 36 years. I am a section hand at Rose Hill, Virginia.

Q. - How long have you been a resident of Lee County, Virginia?

A. - All my life.

Q. - Are you the James Warf who is named as plaintiff in a certain suit for divorce now pending in the Circuit Court of Lee County, Virginia, against Mary Warf, defendant?

A. - I am.

Q. - Please state when and where you were married to the said Mary Warf and whether you are now living together as man and wife?

A. - I was married about ~~xxxxxx~~ ^{seventeen} years ago near Rose Hill Lee County, Virginia. We are not now living together as man and wife.

Q. How long has it been since you and the said Mary Warf ceased to live together as man and wife?

A. - About sixteen years.

Q. - Have you ever lived together as man and wife since

that time?

A.- No sir.

Q.- State the circumstances under which the said Mary Warf and yourself ceased to live together as man and wife, and what state of mind she was in, if any, at the time you ceased to live together as such?

A.- She left one day about sixteen years ago. The morning of the day she left before I went to work she told me she was going to leave me and when I came back to dinner she was gone. We had had some quarrels about her going to her mother's so often and that is the only reason that I know of for her leaving. She went to her mother's and I sent Sarah Brock to see if she would come back and live with me. She sent word back to me that she would not live with me at all.

Q.- State where the said Mary Warf now resides if you know, and whether or not you have had any communication with her since the time you mention in answer to the last question?

A. - A little while after she left me her mother and father moved to Grays, Kentucky, and about ten years ago I heard some of her people say that she lived at North Jellico, Tenn. This is all I know about her since she left me.

And further this deponent sayeth not.

James L. Warf
his mark

Sarah Brock, another witness of lawful age, who first being duly sworn deposes as follows:

Q.- State your name, age and residence?

A.- Sarah Brock. 34 years old and live near Boones Path, Va.

Q.- State whether you know James Warf and Mary Warf and how long you have known them?

A. I know them both. I have known James Warf ever since he was grown and have known Mary Warf about 17 or 18 years. Ever since she was married to Jim.

Q.- Are James Warf and Mary Warf now living together as man and wife?

A.- They are not.

Q.- How long has it been since they have lived together as man and wife?

A.- It has been about 16 years.

Q.- Do you know of their living together as man and wife since that time?

A. - No sir.

Q.- Please state what you know as to the circumstances under which they ceased to live together?

A.- All that I know is that she left him about sixteen years ago. I don't know of any cause she had for leaving him. I live near where they lived at Rose Hill. A few days after she left Jim he got me to go to Mary's mother's house where she was staying to see if she wouldn't come back and live with him. I went to see her and she demeaned him and cursed him and said she would not live with him again.

Q.- Do you know where Mary Warf now lives?

A.- She went with her father and mother to Grays, Ky. soon after she left Jim. I have never heard of her since.

And further this deponent sayeth not.

Sarah ^{her} Brock
mark

Virginia, Lee County, to-wit:

I, W.K. Hopkins, a Commissioner in Chancery for the Circuit Court of Lee County, Virginia, do hereby certify that the above depositions of James Warf and Sarah Brock were duly taken subscribed and sworn to before me on the 23, day of April, 1909, at the office of Charles C. Bales, in Pennington Gap, Virginia.

Given under my hand this the 23, day of April, 1909.

W.K. Hopkins
Commissioner in Chancery.

James Warf
vs { Depositions.
Mary Warf

Received ^{by mail} in good con-
dition and filed April
24th, 1909.

H. C. D. Ewing,
Clerk.

In the Clerk's Office of the Circuit Court of the county of Lee, on the 1st
day of April, 1909

James Harf,

against

Mary Harf,

Plaintiff

Defendant

In Chancery

The object of this suit is to obtain a divorce, a vinculo mat-
rimonii.

And an affidavit having been made and filed that the defendant, Mary Harf, is

not ^a resident of the State of Virginia, it is ordered that she do appear here within fifteen days
after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is
further ordered that a copy hereof be published once a week for four weeks in The Plainington
News and that a copy be posted at the front door of the Courthouse of this county as prescribed

by law.

A copy—Teste:

Chumblay & Bales,

p. q.

W. A. Ewing,
By M. H. Hawary, D.C.

Clerk.

James Warf

vs.

{

ORDER OF
PUBLICATION

Mary Warf.

Virginia, Lee County, to-wit:

I, S. A. Ewing, Clerk of
The Circuit Court for the
County aforesaid, in the
State of Virginia, do cer-
tify that I posted a
true copy of the within
order of publication
at the front door of the
Court house of said
County on this day.

Given under my hand
on this the 1st day of
April, 1909.

S. A. Ewing,
Clerk.

James Warf , Plaintiff,
vs.

Mary Warf, Defendant.

Va. , Lee County, to-wit:-

This day personally appered before me, Geo. W. Dillman, a
Justice of the Peace for the county aforesaid, in the state afore-
said, James Warf, plaintiff in the above styled suit, who made oath
before me that Mary Warf, defendant in the above suit, is not a res-
ident of this state.

Given under my hand this 26 day of March, 1909.

G. W. Dillman.....J. P.

James Warf
vs. Affiant.
Mary Warf

Filed April 1, 1909.

H. C. J. Ewing,
Clerk.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Mary Warf

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the *3rd* Monday in *April*, 190*9*, to answer a bill in chancery exhibited against *her*

in our said court by James Warf.

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *1st*
day of *April*, 190*9*, and *33rd* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk

_____, Clerk

James Harp

VS

}

SUBPOENA
IN
CHANCERY

Mary Harp

Chumblly & Balis, p. q.

To *2nd April* Rules

Lee Circuit Court

1909.

IN the Circuit Court for Lee County, Virginia.

James Warf, Plaintiff,

vs.

Mary Warf, Defendant.

ORDER OF PUBLICATION.

In the Clerk's Office of the Circuit Court of the County of Lee, on the 1st day of April 1909

James Warf, Plaintiff } In Chan-
against } cery.
Mary Warf, Def. }

The object of this suit is to obtain a divorce, a vinculo matrimonii.

And an affidavit having been made and filed that the defendant, Mary Warf is not a resident of the State of Virginia, it is ordered that she do appear here within fifteen days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in The Pennington News and that a copy be posted at the front door of the Courthouse of this county as prescribed by law.

A copy—Teste:

H. C. T. Ewing, Clerk.

By M. E. Flanary, D. C.

Chumbley & Bates, p. q.

I, W. K. Hopkins, editor and proprietor of the Pennington News, a newspaper printed in the town of Pennington Gap, Lee Co., va., do hereby certify that the foregoing order of publication was duly published in the said newspaper, for four consecutive weeks, from and after the 21 day of April, 1909.

W. K. Hopkins
..... Editor Penn-
ington News.